IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27203 of 2007(L)

PETITIONER:

T.P.ZAINABI, BRANCH MANAGER,
CALICUT NORTH SERVICE CO-OPERATIVE BANK,
KARUVASSERI,KOZHIKODE.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. **CALICUT NORTH SERVICE CO-OPERATIVE BANK LTD, REPRESENTED BY ITS SECRETARY, KOZHIKODE.**

2. **THE SECRETARY, CALICUT NORTH SERVICE CO-OPERATIVE BANK LTD, KOZHIKODE.**

3. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,KOZHIKODE.**

4. **GOVERNMENT OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF CO-OPERATION, THIRUVANANTHAPURAM.**

R1 BY ADV. SRI.T.A.SHAJI

R3 & R4 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 27203 OF 2007 L

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE ORDER NO.C.R.P.1926/02 K. DIS. DATED 01/06/2002 ISSUED BY THE THIRD RESPONDENT.**

EXT.P2 **TRUE COPY OF THE APPOINTMENT ORDER OF THE FIRST RESPONDENT BANK DATED 06/06/2002 ISSUED TO THE PETITIONER AS BRANCH MANAGER.**

EXT.P3 **TRUE COPY OF THE APPROVED FEEDER CATEGORY RULES OF THE FIRST RESPONDENT.**

EXT.P4 **TRUE COPY OF THE ORDER NO.C.R.P. 4087/07 DATED 12/06/2007 ISSUED BY THE 3RD RESPONDSENT.**

EXT.P5 **TRUE COPY OF THE JUDGMENT DATED 25.06.2007 IN W.P.(C). NO.17777 OF 2007 PASSED BY THIS HONOURABLE COURT.**

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.27203 of 2007

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Dated this the 20th day of September, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

He is working as Branch Manager. He was promoted on the basis of exemption. He is the only claimant for the post of Assistant Secretary. Both are supervisory posts. No separate exemption is required as per Rule 185(8)(g) of the Co-operative Societies Rules. The first respondent Bank has however decided to fill up the vacancy by direct recruitment. The third respondent issued Ext.P4 order clarifying that separate exemption is not necessary. Appeal is preferred by the first respondent before the Government. Appeal is heard, but no order is communicated to the petitioner. In the meantime the respondent Bank is taking steps to make appointment from the select list.

2. Heard Government Pleader also. It is submitted by the learned Government Pleader that in fact no decision has been taken so far.

Having regard to all facts the writ petition is disposed of directing the fourth respondent to communicate the decision in the appeal after hearing the parties to the petitioner within a period of three days from the date of taking the decision.

(K.M. JOSEPH, JUDGE)

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